

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Toshio DOI et al.

Application No.: 10/571,511

Confirmation No.: 8941

Filed: January 8, 2007

Art Unit: 1646

For: METHODS FOR IDENTIFYING AGENTS  
FOR PREVENTING OR TREATING  
PROLIFERATIVE DISEASES, AND FOR  
INHIBITING EXTRACELLULAR MATRIX  
OR  $\alpha 1$  TYPE IV COLLAGEN

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Examiner: E. Kemmerer

**REQUEST FOR REFUND**  
**(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of March 2009 for the above-identified

☒ application

☐ patent

☒ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

## II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND <u>REQUESTED</u>
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
<input type="checkbox"/> extension of term	
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input checked="" type="checkbox"/> excess claims	<u>364.00</u>
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____

- ☐ patent maintenance fee \_\_\_\_\_
- ☐ first maintenance fee \_\_\_\_\_
- ☐ second maintenance fee \_\_\_\_\_
- ☐ third maintenance fee \_\_\_\_\_
- ☐ patent maintenance fee surcharge \_\_\_\_\_
- ☐ Other: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

TOTAL REFUND REQUESTED

\$364.00

## III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

According to the count sheet prepared by the USPTO and available on PAIR (Exhibit A), Applicants were charged for 7 excess claims above the previous highest number paid, which was 24, thus making the total count 31 claims, based on Applicants response of February 17, 2009. However, in the fee sheet submitted by Applicants for the Amendment filed on February 17, 2009, Applicants submit that the correct claim count is 41, and thus Applicants were required to pay for 17 excess claims.

APPLICANTS THEREFORE PAID FOR 17 EXCESS CLAIMS ON FEBRUARY 17, 2009. See Electronic filing receipt attached hereto (Exhibit B), where Applicants paid \$390 for having multiple dependent claims, and \$884 for 17 excess claims, totaling \$1,274.00. As such, Applicants timely paid all claim fees, and thus should not have been billed for extra claims on March 11, 2009.

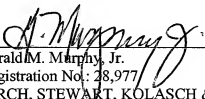
IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: JUL 06 2009

Respectfully submitted,

By   
Gerald M. Murphy, Jr.  
Registration No.: 38,977  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachments: Monthly Billing Statement  
Exhibits A and B



**United States  
Patent and  
Trademark Office**

**Name:** BIRCH STEWART  
KOLASCH & BIRCH

**Attention:**

**Street Address 1:** 8110 GATEHOUSE ROAD

**Street Address 2:** SUITE 500 EAST

**Province:**

**City:** FALLS CHURCH

**State:** VA

**Postal code:** 22042

**Country:** UNITED STATES

**Telephone:** 703-205-8090

**Fax:**

**Balance Amount:**

**BIRCH, STEWART, KOLASCH & BIRCH, LLP  
Mar 2009 Deposit Account Reconciliation**

Date	Reference No.	Docket Number	PTO Fee Code	BSKB Cost Code	Fee
11-Mar	10571511	3749-0124PUS1	1202	DAC	\$364.00



PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD  
Substitute for Form PTO-875

Application or Docket Number  
10/571.511

Filing Date  
01/08/2007

☐ To be Mailed

APPLICATION AS FILED – PART I

(Column 1)

(Column 2)

SMALL ENTITY ☐

CR

OTHER THAN

SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		OR	N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(e), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =			X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(s)(1)(G) and 37 CFR 1.16(s).						
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(i))							

\* If the difference in column 1 is less than zero, enter "0" in column 2.

## APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

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OTHER THAN

SMALL ENTITY

AMENDMENT	02/17/2009	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.160)	= 31	Minus	= 24	= 7		X \$ =		OR	X \$2=	364
	Independent (37 CFR 1.161)	= 22	Minus	= 22	= 0		X \$ =		OR	X \$22=	0
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(g))								OR		
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								OR		
							TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	364

(Column 1)

(Column 2)

(Column 3)

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[illegible]

1

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EXPENSE (\$)	ADDITIONAL
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AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.15(i))	*	Minus	**	=	X \$ =		OR	X \$ =
	Independent (37 CFR 1.15(ii))	*	Minus	***	=	X \$ =		OR	X \$ =
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR	
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR	
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20"

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3"

Legal Instrument Examiner:  
/EFREM WARREN/

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S.

Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# Electronic Acknowledgement Receipt

EXHIBIT

B

tabbies

EFS ID:	4806296
Application Number:	10571511
International Application Number:	
Confirmation Number:	8941
Title of Invention:	Method and Kit for Detecting Proliferative Diseases Causing Sclerosis, Preventive and/or Remedy for Proliferative Diseases Causing Sclerosis and Method and Kit for Identifying Substance Efficacious in Preventing and/or Treating Proliferative Diseases Causing Sclerosis
First Named Inventor/Applicant Name:	Toshio Doi
Customer Number:	02292
Filer:	Gerald M. Murphy/Benjamin Rice
Filer Authorized By:	Gerald M. Murphy
Attorney Docket Number:	3749-0124PUS1
Receipt Date:	17-FEB-2009
Filing Date:	08-JAN-2007
Time Stamp:	16:23:45
Application Type:	U.S. National Stage under 35 USC 371

## Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1274
RAM confirmation Number	2178
Deposit Account	022448
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

**File Listing:**

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Amendment-Filing.pdf	565893 <small>0c3ffed1f5c25e53dc0a8117c8f56ab379c a143</small>	yes	14
<b>Multipart Description/PDF files in .zip description</b>					
	<b>Document Description</b>		<b>Start</b>		<b>End</b>
	Miscellaneous Incoming Letter		1		1
	Amendment/Req. Reconsideration-After Non-Final Reject		2		2
	Specification		3		3
	Claims		4		9
	Applicant Arguments/Remarks Made in an Amendment		10		14

**Warnings:****Information:**

2	Fee Worksheet (PTO-06)	fee-info.pdf	32115 <small>0776a200446f90c6112998e5ec2d40539 b699d</small>	no	2
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**Warnings:****Information:**

<b>Total Files Size (in bytes):</b>	598008
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.